

THE HON'BLE SRI JUSTICE P.S.NARAYANA
WRIT PETITION NO.22021 OF 2007

Dated 03-12-2007

Between:

The A.P.Kerosene Hawkers' Sangam ...Petitioner

And

The Joint Collector and
Two others ... Respondents

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THE HON'BLE SRI JUSTICE P.S.NARAYANA
WRIT PETITION NO.22021 OF 2007

ORDER:

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This writ petition is filed seeking a writ of Mandamus declaring the action of the third respondent in issuing the proceedings in RC No.14/07A, dated 06-10-2007 reallocating the kerosene oil in respect of the new cards quota to the fair price shop dealers as arbitrary, illegal and violation of Article 21 of the Constitution of India, set aside the same and consequently direct the respondents to continue the allocation of kerosene oil in respect of the new white cards quota in Krosur Mandal area to the hawkers as before and pass such other suitable orders.

2. Several facts had been narrated in the affidavit filed in support of the writ petition. The proceedings in R.C.No.14/07A, dated 06-10-2007, reallocating the kerosene to the fair price shops for distribution to the cardholders from October, 2007, had also been placed before this Court. This Court in writ petition No.17523 of 2006 and batch made the following order on 08-10-2007.

"Several facts had been narrated in the respective affidavits filed in support of the writ petitions. No doubt, the dates when the kerosene hawkers began functioning as hawkers and the dates from which the Fair Price Shop Dealers have been operating as Fair Price Shop Dealers differ. However, strong reliance had been placed on the decision of Division Bench of this Court in **MANDA VISWESWARA RAO AND OTHERS v. D.VENKATESWARA RAO AND OTHERS**^[1]. It is also not in serious controversy that a policy decision had been taken by the Government to

bring in even the distribution of kerosene under the roof of the Fair Price Shop Dealerships. However, further decision had been taken that as far as eligible kerosene hawkers are concerned, in a phased manner they are to be absorbed or to be accommodated as Fair Price Shop Dealers depending upon the vacancies. It is stated that preference may have to be given to such kerosene hawkers subject to the eligibility criteria. The relevant Government Orders and the Circulars also had been referred to. In the light of the facts and circumstances, this Court is of the considered opinion that especially in the light of the decision of the Division Bench **Manda Venkateshwara Rao's case (referred supra)** it may not be just and proper to disturb the existing quota of kerosene and the cards attached to the kerosene hawkers. It may be that in due course, depending upon the circulars governing the field and also in the light of the policy such hawkers may be absorbed as the regular Fair Price Shop Dealers. The main grievance of such fair Price Shop Dealers who had been appointed is that despite the policy of the Government to bring in even the kerosene distribution under one roof i.e., under the roof of the Fair Price Shop Dealership, even in case of the fresh cards, no such kerosene quota is being allotted to the fresh Fair Price Shop Dealers. This Court is not inclined to express any opinion relating to factual controversies which had been narrated in detail in the affidavits filed in support of the respective writ petitions. However, it is made clear that *status quo* existing as on today relating to the kerosene quota and the cards which had been already allotted to the kerosene hawkers and also in relation to the present Fair Price Shop Dealers to be maintained till appropriate decision is taken by the concerned District Collectors of the Districts concerned. The writ petitioners are given liberty to make appropriate representations within a period of four weeks from the date of receipt of this order and let the concerned District Collectors take appropriate decision in this regard taking into consideration all the facts and circumstances and also the decision of the Division Bench referred to supra. The concerned District Collectors to take appropriate

decision in this regard within a period of four weeks thereafter. As already specified above, till then *status quo* existing as on today relating to the kerosene quota and the cards in relation thereto to be maintained. Accordingly, the writ petitions are disposed of. No order as to costs."

3. In the light of the same, the petitioner in this case is also given liberty to make appropriate representation within a period of four weeks from the date of receipt of this order and let the District Collector concerned take appropriate decision in this regard taking into consideration all the facts and circumstances and also the decision of the Division Bench in **Manda Venkateshwara Rao's case** (referred supra). The District Collector concerned to take appropriate decision in this regard within a period of four weeks thereafter. Till then status quo existing as on today relating to the kerosene quota and the cards in relation thereto to be maintained.

4. The writ petition is accordingly disposed of. No order as to costs.

P.S.Narayana,J

Dated 3rd December, 2007

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Note: Issue C.C in two days

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[\[1\]](#) 2002 (2) ALD 659 (DB)